

SOLICITOR

NOTE: Pursuant to Fed. Cir. R. 47.6, this order  
is not citable as precedent. It is a public order.

AUG 30 2005

U.S. PATENT & TRADEMARK OFFICE

## United States Court of Appeals for the Federal Circuit

05-1397  
(Serial No. 09/645,827)

IN RE DALE FLANDERS and PETER S. WHITNEY,

ON MOTION

Before NEWMAN, Circuit Judge.

### ORDER


Upon consideration of the parties' joint motion to remand the case to the United States Patent and Trademark Office for further proceedings,

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.

AUG 26 2005

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Pauline Newman  
Circuit Judge

cc: Joseph Grant Houston, Esq.  
John M. Whealan, Esq.

s16

AUG 26 2005

ISSUED AS A MANDATE: \_\_\_\_\_

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

AUG 26 2005

JAN HORBALY  
CLERK